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7 Attorney for Richard Zevallos,
8 Sulma Yudi Zevallos

FILED

NOV 12 2009

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

Fees
Paid
09
Dis.

UNITED STATES DISTRICT COURT
Northern District of California

9 Richard Zevallos, an individual, Sulma
10 Yudi Zevallos, an individual

11 Plaintiffs,

12 v.

13 Citibank (South Dakota), N.A., Citicorp
14 Credit Services, Inc. (USA), Sears
15 Gold MasterCard,

16 Does 1 - 50,

Defendants.

Case No.

CO9-05334

ADR
MEJ
COMPLAINT FOR:

VIOLATION of FAIR CREDIT BILLING
ACT 15 U.S.C. § 1666; 15 U.S.C.
§ 1666(a); VIOLATION OF SECTION
17200 OF THE CALIFORNIA BUSINESS
AND PROFESSIONS CODE

Date Filed:
Trial Date: None set

Plaintiffs Richard Zevallos, an individual, and Sulma Yudi Zevallos, an
individual, (hereafter "Plaintiffs") hereby alleges as follows:

JURISDICTION

1. This is an action for damages for violation of the provisions of the
Fair Credit Billing Act, 15 U.S.C. § 1666 et seq. and Section 17200 of the
California Business and Professions Code. The jurisdiction of this court is
invoked under 28 U.S.C. § 1331, 1337, 1367.

GO 44 SEC. N
NOTICE OF ASSIGNMENT
TO MAGISTRATE JUDGE SENT

PARTIES

2. Plaintiff Richard Zevallos is an individual residing in Berkeley, California.

3. Plaintiff Sulma Yudi Zevallos is an individual residing in Berkeley, California.

4. Defendant Citibank (South Dakota), N.A., is a National Bank with corporate offices located in South Dakota. Sears Gold Mastercard is an operating subsidiary and/or a registered trademark of Citibank (South Dakota), N.A. with their principal place of business unknown. Defendant Citicorp Credit Services, Inc. (USA) is a Delaware Corporation registered to do business in California as corporation number C2564617 in the files of the Secretary of State of California and a loan servicing company for Defendants Citibank (South Dakota), N.A. and Sears Gold MasterCard. All Defendants regularly conduct business, and at all times relevant hereto regularly conducted business, in the Northern District of California.

5. Plaintiffs are unaware of the true names, identities or capacities of Defendants DOES 1 through 50, or any of them, and for this reason said Defendants are sued herein by such fictitious names. When Plaintiffs ascertain the true names, identities and capacities, whether corporate, individual, associate or otherwise, of Defendants DOES 1 through 50, or any of them, Plaintiffs will amend this complaint to allege the same. Plaintiffs are informed and believe and thereon allege that at all times relevant to the facts alleged herein, each such fictitiously named defendant was responsible in some manner for the acts, occurrences, happenings and/or omissions hereinafter alleged.

CLAIM FOR RELIEF

6. Plaintiffs are "consumers" within the meaning of 15 U.S.C. § 1602(h).

7. Defendants are "creditors" within the meaning of 15 U.S.C. § 1602(f)(2).

FIRST CAUSE OF ACTION

Violation of 15 U.S.C. § 1666

(Against All Defendants)

8. Plaintiffs re-allege and reincorporate each and every allegation contained in all previous paragraphs of all previous sections and Causes of Action this Complaint, inclusive, as though fully set forth herein.

9. On or about November 13, 2008, Mr. Zevallos registered with Ritchie Bros. Auctioneers (America) Inc. (a Washington Corporation registered to do business in California as Corporation No. C2059526 in the files of the Secretary of State for California) (hereafter "RBAA") for an on-line auction occurring over a two-day period beginning on November 13, 2008 and continuing until November 14, 2008. The registration required plaintiff to provide a credit card for a \$15,000 authorization (hereafter "bid deposit"). Plaintiff provided two credit cards and allowed RBAA to obtain authorizations for charges of \$10,000 and \$5,000 against his accounts.

10. During the auction plaintiff accidentally placed a bid on Lot 1190 -
2000 Freightliner FLD12064ST TRI/A Dump Truck, Serial No. 1FUYDSEB1YPB82514
(hereafter "Dump Truck") in the amount of \$25,000 by unintentionally clicking a
computer mouse and selecting the \$25,000 bid-box. (A copy of the auction listing
for this item is attached hereto as Exhibit A.) Plaintiff immediately contacted
RBAA and informed them of this error by telephone prior to the conclusion of the
auction by speaking with three employees and/or agents of RBAA, including one
person who represented himself to be a supervisor and another who represented
himself to be the Regional Manager, Nick Nicholson. Mr. Nicholson verbally
agreed to reverse the authorizations in this phone conversation and to provide a

1 cancellation number(s) and also stated he would suspend plaintiff's auction
2 account. On November 18, 2008, four days later, Plaintiff was notified by his
3 credit card companies that RBAA had converted the authorizations totaling \$15,000
4 against his credit card accounts to charges. That day, plaintiff e-mailed Mr.
5 Nicholson re-iterating his complaint regarding the charges, but he received no
6 response. His account was suspended by RBAA.

7 11. The \$5,000 charge was reversed by plaintiff's Wells Fargo credit card
8 company, but the \$10,000 charge was never reversed by Defendants.

9 12. RBAA never delivered the Dump Truck to plaintiff. RBAA resold the
10 item at a later auction.

11 13. On December 2, 2008, plaintiff wrote to Citibank (South Dakota), N.A.
12 dba Sears Gold MasterCard and disputed the \$10,000 charge and provided the full
13 details of the dispute by first-class mail, return receipt requested. A copy of
14 this correspondence is hereto attached as Exhibit B.

15 14. On December 13, 2008, Citibank (South Dakota), N.A. dba Sears Gold
16 MasterCard responded and requested additional information from plaintiff pursuant
17 to the correspondence attached hereto as Exhibit C.

18 15. On January 23, 2009, Citibank (South Dakota), N.A. dba Sears Gold
19 MasterCard resolved the matter by allowing the \$10,000 charge to stand and closed
20 their investigation pursuant to the correspondence attached hereto as Exhibit D.

21 16. On February 21, 2009, plaintiff wrote Citibank (South Dakota), N.A.
22 dba Sears Gold MasterCard by facsimile and certified mail again providing
23 additional details regarding the dispute pursuant to correspondence attached
hereto as Exhibit E.

24 17. On April 29, 2009, plaintiff wrote Citibank (South Dakota), N.A. dba
25 Sears Gold MasterCard by certified mail, return receipt requested, again
26 disputing the \$10,000 charge and requesting relief pursuant to the correspondence
27 attached hereto as Exhibit F.

18. On May 13, 2009, Citibank (South Dakota), N.A. dba Sears Gold
MasterCard rejected plaintiff's dispute as untimely, pursuant to the
correspondence attached hereto as Exhibit G.

19. Defendants failed to stop collection procedures and/or reverse the charge despite this billing dispute, as evidenced by the collection correspondence attached hereto as Exhibit H.

20. Defendants have caused derogatory credit reports to be filed against Plaintiffs with credit reporting companies.

21. Defendants did not send a written correction or clarification to Plaintiffs substantiating the account of Defendants for the \$10,000 charge in question.

22. Defendants also failed to determine that the Dump Truck was actually delivered to Plaintiffs.

23. And Defendants failed to send a statement to Plaintiffs of any such determination that the Dump Truck was actually delivered to Plaintiffs.

SECOND CAUSE OF ACTION

Violation of 15 U.S.C. § 1666(a)

(Against All Defendants)

24. Plaintiffs re-allege and reincorporate each and every allegation contained in all previous paragraphs of all previous sections and Causes of Action of this Complaint, inclusive, as though fully set forth herein.

25. Defendants have reported Plaintiffs' Sears Gold MasterCard account standing as delinquent to credit reporting companies without sending a written correction or clarification to Plaintiffs substantiating the account of Defendants, determining that the Dump Truck was actually delivered to Plaintiffs,

and sending a statement to Plaintiffs of any such determination that the Dump Truck was actually delivered to Plaintiffs.

26. Defendants have reported Plaintiffs' Sears Gold MasterCard account standing as delinquent without also reporting that this account is in dispute.

THIRD CAUSE OF ACTION

UNFAIR BUSINESS PRACTICES

In Violation of Section 17200 et seq. of the California Business and Professions

Code

(Against All Defendants)

27. Plaintiffs re-allege and reincorporate each and every allegation contained in all previous paragraphs of all previous sections and Causes of Action this Complaint, inclusive, as though fully set forth herein.

28. On or about January 23, 2009 and continuing thereafter, Defendants, as a part of their business practices, violated the Fair Credit Billing Act (FCBA) 15 U.S.C. § 1666 et seq. as set forth above in the First and Second Causes of Action.

29. Defendants have a business practice of shifting the burden to substantiate disputed credit card charges to the consumer, whereas the FCBA requires creditors to meet an affirmative duty of investigating disputed claims, making specific determinations where the delivery of goods is concerned, and serving written communication of such determinations on the consumer. The current business practice of Defendants is unlawful and violates Federal and California law as alleged herein. Further, Defendants, and each of them, knew that their business practices were unlawful.

30. Pursuant to Sections 17200 et seq. of the California Business and Professions Code, unfair business practices include any unlawful, unfair or

1 fraudulent business practice. The unlawful conduct of Defendants as alleged
2 herein is an unlawful practice within the provisions of Sections 17200 et seq. of
3 the California Business and Professions Code, and, accordingly, constitutes a
4 violation of Sections 17200 et seq. of the California Business and Professions
5 Code.

6 31. As a direct and proximate result of the unfair business practices of
7 Defendants as herein alleged, Plaintiffs have incurred damages in that Plaintiffs
8 have lost available credit and lost opportunities to refinance a home mortgage
9 and purchase real estate, suffered derogatory credit reports, emotional distress,
10 incurred general damages in the amount of \$10,000 plus interest, finance charges,
11 and late payment penalties, plus attorneys fees and costs, all by reason of which
12 Plaintiffs have been damaged in at least the sum in excess of the jurisdictional
13 amount of this Court, plus attorneys fees and costs, and additional amounts
14 according to proof at time of trial, including exemplary and punitive damages.
15 Accordingly, plaintiff is entitled to restitution and damages in a sum of not
16 less than \$60,000 plus interest, attorneys' fees and costs, and a mandatory
17 injunction requiring defendants to reverse derogatory consumer credit reports.
18
19
20

PRAYER FOR RELIEF

21 WHEREFORE, Plaintiffs pray for judgment as follows on all claims for relief:

22 1. For jury trial, general damages in the amount of \$60,000, according
23 to proof at time of trial;

24 2. For exemplary and punitive damages;

25 3. For interest in an amount according to proof at time of trial;

26 4. For injunctive relief mandating Defendant to reverse negative
27 consumer credit reports;

28 4. For attorneys' fees and costs;

5. For such other and further relief as this court may deem just and proper.

DATED: November 11, 2009

Law Office of Megan Dailey

By: Weg-Dier

Attorney for Plaintiffs
Richard Zevallos,
Sulma Yudi Zevallos

Full Views

HOUSTON, TX
14218 I-10 EAST HWY, HOUSTON
Phone: 713.455.5200, Fax: 713.455.5270
Thursday, November 13, 2008 To Friday, November 14, 2008

Search Trucks - Dump (Tri/A) in all upcoming auctions

Search all equipment in HOUSTON, TX auction

Lot #1190

2000 - FREIGHTLINER FLD12064ST TRI/A DUMP TRUCK

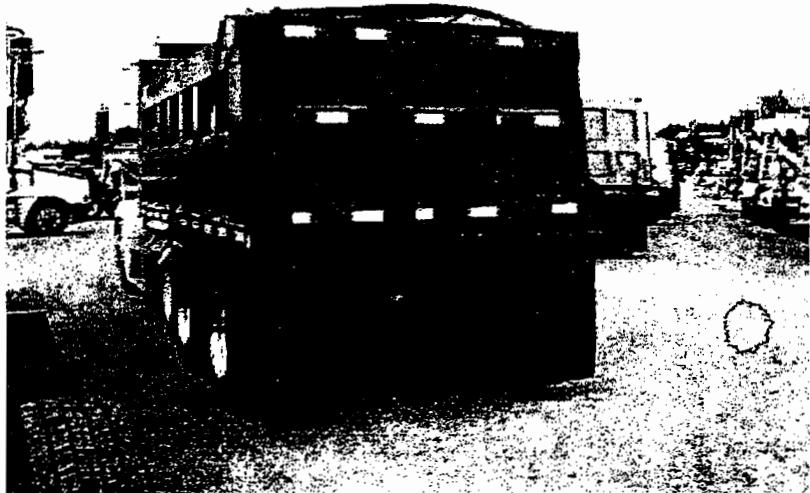
Serial number: 1FUYDSEB1YPB82514

Comes with: Detroit Series 60 470 hp, eng brake, 10 spd, dbl frame, air lift 3rd, 234 in. WB, 16 ft box

2

Next

Prev



1



2



3



4



5



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Ex. A

12-2-08

From: Richard Zentales.

To: Sears Gold Master card
Attention Sears Billing Dep.

5 pages Included this.

Please, let me, and let me know that.
You received this documents.

Thank you Richard Zentales.

Cell # 510-703-1622

Ex. B p.1

Sears Cardmember Services
P.O. Box 6286
Sioux Falls, SD 57117-6286

November 19, 2008

5498

RICHARD N ZEVALLOS
1614 HARMON ST
BERKELEY CA 94703-2622

Account Number:
5121-0717-7597-1298

.....

Dear RICHARD N ZEVALLOS:

This letter is regarding your inquiry about the transaction dated 11/14/2008 in the amount of \$10000.00 made at RITCHIE BROS. AUCTIONE with account number 5121071775971298.

Please assist us with this investigation for \$10000.00 by promptly reviewing, completing, and returning the following information within 10 days of your receipt of this letter. If we do not receive your response, we will assume the charge is correct and rebill your account.

An important first step to resolving this matter is for you to attempt to contact the merchant. Then complete the following:

I did intend to request service, but there was no over a purchase.
"I expected to receive service on 11/18/08 (date). This service was never received. I contacted the merchant on 11/18/08 (date) requesting a credit to my account. The results were (CHECK ONE): 1/S. see attached letter.

I received the attached credit slip." (Must include with reply.)

I contacted the merchant on the above date and they stated they would credit my account for the service I did not receive."

The merchant stated that they would not issue credit because

11/14/08

* "I was unable to contact the merchant." Explain how you attempted to contact the merchant and why you were unsuccessful. I made phone calls, send emails, letter to Ritchie Bros Auctione, but all I received was That same one 11/18/08 you on Friday 11/21/08 They never called me back. There was no solution to this

In addition to indicating the appropriate statement above, please state the full details of your dispute including situation, what service(s) you expected to receive from the merchant.

Disputing the charges made to this credit card. I never intentionally purchased item or Lot #1190. It was an accident

Signature Richard Zevallos Date 12/01/08

1/S. see letter

I've sent to the merchant; they never responded.

Home tel. (510) 652-3808
Cell (510) 703-1622

0/LR/S44434/001/00/00/0000/00000000/F2008111900001654/5498

Sears® Gold MasterCard

A conditional credit has been issued to your account while we investigate this matter on your behalf. Please respond within the next 10 days to:

Sears Gold MasterCard
P.O. Box 6922
The Lakes, NV 88901

Sincerely,

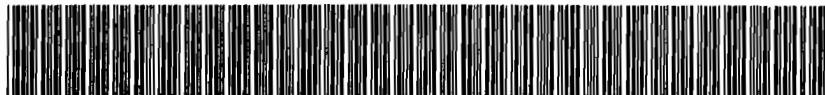
Sears Cardmember Services

1-800-669-8488

FAX #(702) 797-4813

This account is issued by Citibank (South Dakota), N.A.

FEDERAL REGULATIONS REQUIRE THE STATEMENT PRINTED ON THE REVERSE SIDE



ATTENTION TO: *Sears*
billing Dep.

Ex. Bp.3

Manage your account online www.Searscard.com

*Standard Receipt**LETTER Certified*

12/12/2010

00000000000000000000000000000000

06:30:31

Product Description	Quantity	Sale Price	Final Price
DES MOINES IA 50306 Zone-7 First-Class Letter	0.80 oz.	\$0.42	\$0.42
*** Return Rept (Electronic)		\$1.00	\$1.00
Certified Label #.		\$2.70	\$2.70
Issue PVi:		\$4.12	\$4.12
THE LAKES NY 63901 Zone-4 First-Class Letter	0.80 oz.	\$0.42	\$0.42
*** Return Rept (Electronic)		\$1.00	\$1.00
Use label # 70081830000194423525 for inquiry on Return Receipt (Electronic)			
Certified Label #.		\$2.70	\$2.70
Issue PVi:		\$4.12	\$4.12

Total: \$8.24

Paid by:
Debit Card \$8.24
XXXXXX80282.00
004176
Debit Card Chase \$8.24
Cash Back \$20.00

** IMPORTANT: For Return Receipt (Electronic), wait one day, go to www.usps.com; select Track & Confirm; enter label number(s); elect 'Request Return Receipt (Electronic)'; enter your name and email address. Please make your request within 60 days.

Order stamps at USPS.com/shop or call 1-800-Stamp24. Go to USPS.com/clicknship to print shipping labels with postage. For other information call 1-800-ASK-USPS.

Bill#: 1000701906108
Clerk: 43

All sales final on stamps and postage
Refunds for guaranteed services only
Thank you for your business

PICK
RECYCLING ENVELOPE
We are envelope to help your inkjet
cartridge, cell phone & small electronics
free of charge!

HELP US SAVE V. M. *****
E.B.P. 4

[Home](#) | [Help](#) | [Sign In](#)[Track & Confirm](#) [FAQs](#)

Track & Confirm

Search Results

Label/Receipt Number: 7008 1830 0001 9442 3525
Status: Acceptance

Your item was accepted at 6:28 pm on December 02, 2008 in OAKLAND, CA 94615. A proof of delivery record may be available through your local Post Office for a fee.

Additional information for this item is stored in files offline.

[Track & Confirm](#)

Enter Label/Receipl Number.

[Go >](#)[Restore Offline Details >](#) • [?](#) • [Return to USPS.com Home >](#)[Site Map](#)[Contact Us](#)[Forms](#)[Gov't Services](#)[Jobs](#)[Privacy Policy](#)[Terms of Use](#)[National & Premier Accounts](#)

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Sears® Gold MasterCard®

Sears Cardmember Services
P.O. Box 6286
Sioux Falls, SD 57117-6286

December 13, 2008

5020
RICHARD N ZEVALLOS
1614 HARMON ST
BERKELEY CA 94703-2622

George J.D. VCI OSIS
Account Number:
5121-0717-7597-1298

Dear RICHARD N ZEVALLOS:

We've received your inquiry concerning the disputed charge of \$10000.00 from RITCHIE BROS. AUCTIONE on your account.

So that we can continue to assist you, please provide the following additional information:

- The date cancelled and cancellation number
- Explanation of the merchant's cancellation policy
- Details or explanation of dispute along with any supporting documentation if available

Please send the requested information within the next 10 days to:

Sears Gold MasterCard
P.O. Box 6922
The Lakes, NV 88901

If we do not receive your response, we will consider this matter resolved and close our investigation.

If you have additional questions about your account, our Cardmember Service Representatives are available to assist you at the number below, 24 hours a day, seven days a week.

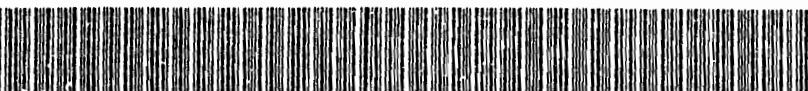
We appreciate your business and thank you for being a Sears Gold MasterCard Cardmember.

Sincerely,

Sears Cardmember Services
1-800-669-8488

This account is issued by Citibank (South Dakota), N.A.

FEDERAL REGULATIONS REQUIRE THE STATEMENT PRINTED ON THE REVERSE SIDE



R/S44449/001/00/00/0000/0000000/F200812130000861/5020



Sears Cardmember Services
P.O. Box 6286
Sioux Falls, SD 57117-6286

January 23, 2009

6750

RICHARD N ZEVALLOS
1614 HARMON ST
BERKELEY CA 94703-2622

Account Number:
XXXX-XXXX-XXXX-1298

11111111111111111111111111111111

Dear RICHARD N ZEVALLOS:

We've received your inquiry concerning the disputed charge of \$10000.00 from RITCHIE BROS. AUCTIONE on your account.

We recently requested that you provide additional information or documentation to allow us to begin an investigation. Because we have not received the requested information, we now consider this matter resolved and have removed the previously issued conditional credit from your account. This adjustment will appear on your statement within two billing periods.

It is important to note that your account may be reported as delinquent to the consumer reporting agencies listed below if we do not receive payment on this charge by your remittance of at least the minimum amount due by the payment due date shown on your billing statement.

Experian P.O. Box 2002 Allen, TX 75013-0036 1-888-EXPERIAN (1-888-397-3742)	Equifax Credit Information Service P.O. Box 740241 Atlanta, GA 30374-0241 1-800-685-1111	Trans Union LLC, Consumer Relations Center P.O. Box 1000 Chester, PA 19022 1-800-888-4213
--	---	--

If you have additional questions about your account, our Cardmember Service Representatives are available to assist you at the number below, 24 hours a day, seven days a week.

We appreciate your business and thank you for being a Sears Gold MasterCard Cardmember.

Sincerely,

Sears Cardmember Services
1-800-669-8488

This account is issued by Citibank (South Dakota), N.A.
FEDERAL REGULATIONS REQUIRE THE STATEMENT PRINTED ON THE REVERSE SIDE

Sears MasterCard Billing Dispute Dept.
PO Box 6282
Sioux Falls, SD 57117

February 21, 2009

Fax scan D.3 puter
Billing 6882
P.O. Box 57117
Sioux Falls SD 57117
Fax (605) 357-2021

Dear Billing Dispute Manager:

I am writing to dispute a charge on my Sears Gold MasterCard account. On November 14, 2008 I was attempting to view trucks from Ritchie Brothers Auctioneers in an on-line auction. This was my first time at their site and I was unfamiliar with the process. Several factors contributed to accidentally buying a truck. These included working with someone from the company to figure out the technology of how to connect with their bidding system, the reception was breaking in and out and at one point my coffee cup accidentally hit the mouse and I was told that I had purchased a truck. I immediately called the auctioneer and talked to Alan Micbiker (not sure spelling), the supervisor that day, and told him of the accidental bid and not to charge my credit card. He said to call Nick Nicolson, the Regional Manager. I then called Mr. Nicolson, and explained what happened and asked that he reverse charges on my credit card. He said he would reverse the charges but would suspend my account indefinitely and he would call back by Friday with a cancellation number, which he failed to do. I sent him an email on November 18, 2008, but he never responded (a copy is enclosed). He did suspend my account and so I have no access to communicate with the company.

My request of is to please reverse the charges to my Sears Gold MasterCard account. I sent a fax on December 2, 2008 and sent certified letter, number 7008 1830 0001 9442 3525 on the same date. I received a letter that you received this letter on December 13, 2008. I am not a native English speaker and I did not fully understand the letter requesting information and I am late in getting back to you, I apologize. A friend is helping me with the translation of this letter.

To answer your request on the letter:

1. I cancelled verbally on November 14, 2008, on November 18, 2008 I sent the email cancelling but I never received a cancellation number.
2. At this moment I do not have a copy of the merchant's cancellation policy
3. The details of this letter and the copies of the supporting documents are enclosed in

Ex. E p. 1

this letter as you requested.

Please let me know if there is anything else I need to provide for you. At this point the dispute is not settled and I do not have a truck from Ritchie Bros Auctioneers, only a charge on my credit card. I would appreciate it if you could reverse the charges as soon as possible.

Sincerely,

Richard Zevallos
1614 Harmon Street
Berkeley, CA 94703

E.E p.2

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Sears Gold Master Card
P.O. Box 6282

S, OUX Falls SD 57117-6282

COMPLETE THIS SECTION ON DELIVERY

A. Signature


X Agent
 Addressee

B. Received by Printed Name Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

FFR 23 709

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

Yes

10255-02-M-1540

Ex.E p.3

Richard N. Zevallos
c/o Legal Experts
3230 Fruitvale Avenue
Oakland, CA 94602

April 29, 2009

Sears MasterCard Billing Dispute Dept.
PO Box 6282
Sioux Falls, SD 57117

To Whom It May Concern:

My name is Richard N. Zevallos and I am writing to you concerning a serious matter regarding my credit card account with your company. I will briefly summarize my current dispute.

On November 14, 2008 I placed a \$15,000 deposit to access the auction online. Several factors contributed to my accidentally purchasing a truck online from Ritchie Brothers Auctioneers. I spoke with the manager of Ritchie Brothers Actioneers, Mr. Allen and he did not want to give me a refund on the \$15,000 deposit I charged on two credit cards to access their online service. On November 18, 2008 I sent a letter to Mr. Nick Nicolsan which is enclosed. Mr. Nicolsan informed me by phone he would suspend my membership and reverse the charges. He suspended my membership and did not talk to me anymore, but he did not reverse the charges. I do not have access to communicate with online, I have attached a copy of that letter. I disputed the \$5,000 charge with Wells Fargo and they promptly removed the charges after their investigation. I am attaching the letter from Wells Fargo dated February 17, 2009 confirming this. On the same day of December 2, 2008, I sent a letter to Wells Fargo and also to your company disputing the \$10,000 charged on the Sears Gold Mastercard. I am attaching my receipt and Certified Return Receipts from the US Post office confirming this. However, your company claims you did not receive it even though I have a letter from your office saying you did. I have sent you letters more than once and your office has claimed by telephone that you did not receive them. I am sending copies of these letters, your responses and the tracking numbers from the US Post Office Certified Letters.

E.F. 1

Page 2 of 2
April 29, 2009

I am a very busy man as the father of 3 children and a US Citizen, however, English is my second language. For these reasons, I have enlisted the help of my associate and now I am receiving legal assistance with this matter. It is confusing and difficult for me to understand how Wells Fargo was able to resolve this issue but at the same time all you have done is ask me to send information to three different offices.

As per the request of your agent, George, ID# VCI0515, I am sending this letter to you respectfully requesting that you continue your investigation and assist me in getting my money back and reversed the charges from Ritchie Brothers Auctioneers immediately. I am going to send carbon copies of this letter to each of the three offices that you asked me to send information to. I am asking that you contact me at the above address or by calling me at (510) 652-3808 or (510) 703-1622. If you cannot do this I will be forced to pursue other legal options.

Sincerely,



Richard N. Zevallos
Enclosures

Cc:

Sears Cardmember Services
PO Box 6286
Sioux Falls, SD 57117-6286

Sears Gold MasterCard
PO Box 6922
The Lakes, NV 88901

E.F.p.2

**U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)**

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$ 0.96	0020
Certified Fee	\$ 2.70	MAIN OFFICE
Return Receipt Fee (Endorsement Required)	\$ 2.20	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$ 0.00	APR 2009
Total Postage & Fees	\$ 5.86	04/28/2009

Sent To **Sears Gold Master Card**
Street, Apt. No.;
or PO Box No. **PO BOX 6922**
City, State, ZIP+4 **THE LAKES, NV 88901**

PS Form 3800, August 2006 See Reverse for Instructions

**U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)**

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$ 0.96	0020
Certified Fee	\$ 2.70	MAIN
Return Receipt Fee (Endorsement Required)	\$ 2.20	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$ 0.00	APR 2009
Total Postage & Fees	\$ 5.86	04/28/2009

Sent To **Sears Master Card Billing Dispute**
Street, Apt. No.;
or PO Box No. **P.O. Box 6282**
City, State, ZIP+4 **Sioux Falls SD 57117**

PS Form 3800, August 2006 See Reverse for Instructions

OAKLAND MPO
OAKLAND, California
946159719
0555110020 -0097
04/29/2009 (800)275-8777 06:26:47 PM

Product Description	Sale Qty	Unit Price	Final Price
SIOUX FALLS SD 57117			\$0.76
Zone-6 First-Class Letter			
2.60 oz.			
Nonmach First-Class			\$0.20
Return Rcpt (Green Card)			\$2.20
Certified			\$2.70
Label #:	70090080000231974510		=====
Issue PVI:			\$5.86
THE LAKES NV 88901			\$0.76
Zone-4 First-Class Letter			
2.40 oz.			
Nonmach First-Class			\$0.20
Return Rcpt (Green Card)			\$2.20
Certified			\$2.70
Label #:	70090080000231974503		=====
Issue PVI:			\$5.86

Total:	\$11.72
Paid by:	
Visa	\$11.72
Account #:	XXXXXXXXXXXXX1404
Approval #:	343420
Transaction #:	970
	23 903350635

Order stamps at USPS.com/shop or call 1-800-Stamp24. Go to USPS.com/clicknship to print shipping labels with postage. For other information call 1-800-ASK-USPS.

Bill#: 1000301899356
Clerk: 13

All sales final on stamps and postage
Refunds for guaranteed services only
Thank you for your business

PICK UP A FREE
RECYCLING ENVELOPE

Take an envelope to recycle your inkjet
cartridge, cell phone or small electronics
free of charge!

HELP US SERVE YOU BETTER

Go to: <http://gx.gallup.com/pos>

TELL US ABOUT YOUR RECENT
POSTAL EXPERIENCE

YOUR OPINION COUNTS

Customer Survey Ex. F p.3

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Sears MasterCard
Billing Dispute PEP.
PO Box 6282
Sioux Falls SD
57117

COMPLETE THIS SECTION ON DELIVERY**A. Signature****X****JIM DONELAN** Agent Addressee**B. Received by (Printed Name)****C. Date of Delivery**

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

MAY 04 2009

3. Service Type

<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

4. Restricted Delivery? (Extra Fee) Yes**2. Article Number**

(Transfer from service label)

7009 0080 0002 3197 4510

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT <i>(Domestic Mail Only; No Insurance Coverage Provided)</i>																
For delivery information visit our website at www.usps.com																
SOUTH LAKE TAHOE CA 96150																
51154 2478 2020 0007 2007	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">Postage</td> <td style="width: 10%;">\$</td> <td style="width: 80%;">49.42</td> </tr> <tr> <td>Certified Fee</td> <td>\$</td> <td>7.70</td> </tr> <tr> <td>Return Receipt Fee (Endorsement Required)</td> <td>\$</td> <td>2.70</td> </tr> <tr> <td>Restricted Delivery Fee (Endorsement Required)</td> <td>\$</td> <td>0.00</td> </tr> <tr> <td>Total Postage & Fees</td> <td>\$</td> <td>59.82</td> </tr> </table> <div style="text-align: center; margin-top: 10px;">  </div>	Postage	\$	49.42	Certified Fee	\$	7.70	Return Receipt Fee (Endorsement Required)	\$	2.70	Restricted Delivery Fee (Endorsement Required)	\$	0.00	Total Postage & Fees	\$	59.82
Postage	\$	49.42														
Certified Fee	\$	7.70														
Return Receipt Fee (Endorsement Required)	\$	2.70														
Restricted Delivery Fee (Endorsement Required)	\$	0.00														
Total Postage & Fees	\$	59.82														
Sent To: Superior Courts Lake Tahoe Street, Apt. No.: or PO Box No. 1354 Johnson Blv. STE 2 City, State, ZIP+4																
PS Form 3800, August 2006																
See Reverse for Instructions																

Ex.Fp.4

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Sears Gold Master Card
 Po Box. 6922
 The Lakes NV 88901

DELIVERY**A. Signature****X**

Agent
 Addressee

B. Received by (Printed Name)**C. Date of Delivery**

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

MAY 05 2009

3. Service Type

<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

4. Restricted Delivery? (Extra Fee) Yes**2. Article Number**

(Transfer from service label)

7009 0080 0002 3197 4503

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

Ex. F p.5



Sears Cardmember Services
P.O. Box 6286
Sioux Falls, SD 57117-6286

May 13, 2009

3067

RICHARD N ZEVALLOS
1614 HARMON ST
BERKELEY CA 94703-2622

Account Number:
XXXX-XXXX-XXXX-1298

.....

Dear RICHARD N ZEVALLOS:

We've received your inquiry concerning the disputed charge on your account from RITCHIE BROS. AUCTIONE for \$10000.00.

We're unable to recover the funds on this charge because you contacted us untimely.

If you have additional questions about your account, our Cardmember Service Representatives are available to assist you at the number below, 24 hours a day, seven days a week.

We appreciate your business and thank you for being a Sears Gold MasterCard Cardmember.

Sincerely,

Sears Cardmember Services
1-800-669-8488

This account is issued by Citibank (South Dakota), N.A.
FEDERAL REGULATIONS REQUIRE THE STATEMENT PRINTED ON THE REVERSE SIDE

0/LR/S44447/001/00/00/00/0000/00000000/F2009051300000958/3067

Ex. G

CITI
PO BOX 6286
SIOUX FALLS, SD 57117



July 5th, 2009

|||||

RICHARD N ZEVALLOS
1614 HARMON ST
BERKELEY CA 94703-2622

Sears Gold MasterCard
ACCOUNT NUMBER:
5121071775971298

BALANCE: \$11,236.57
MINIMUM DUE: \$1,588.55

Dear RICHARD N ZEVALLOS:

Your Sears Gold MasterCard® account continues to be past due as of the date of this letter. Please send at least the Minimum Due payment of \$1,588.55 today.

To make an immediate payment, simply call 1-800-733-1116 with your checkbook available for reference. It is a fast, secure, and easy payment method without the delays associated with mailing your payment. We will ask you to authorize the checking account number and check number that you would like to use for payment. It will take only minutes and it will save you postage, time and money! If you prefer, you can mail your payment to the address below.

Citi Cards Payment Center
P.O. Box 182149
Columbus, OH 43218-2149

If you are mailing your payment, be sure to send it at least seven days before the due date on each statement. If you are unable to make your payment today or are experiencing financial difficulty, please call us toll free at the number shown below. We want to work with you to resolve this situation.

If your Minimum Due payment has already been sent, thank you.

Sincerely,

G. STEVENS
VICE PRESIDENT CITICORP CREDIT SERVICES, INC. (USA)
FEDERAL REGULATIONS REQUIRE THE STATEMENT PRINTED ON THE REVERSE SIDE

Toll Free Telephone Number: 1-800-733-1116
TDD Number: 1-800-926-5818 (Hearing Impaired Only)

Any representative can assist you.
Office Hours (Central Time):

Monday - Friday	8:00 a.m. to 8:00 p.m.
Saturday - Sunday	8:00 a.m. to 4:00 p.m.

Send Correspondence to:
Card Service Center
P. O. Box 6275,
Sioux Falls, SD 57117

P.S. Be sure to send your payment or call us today, toll free.

Enclosure

0/L7/SC8514/001/ZZ/SY/ZP/8000/SYSTEMB /S2009070510023060/2101

Ex. H